



In the Matter of:

**JOHN R. FRASER,
ACTING ADMINISTRATOR,
WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR,**

DATE: November 25, 1998

PLAINTIFF,

ARB CASE NO. 98-127

v.

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| CORNFORTH-CAMPBELL MOTORS, INC., | ALJ CASE NOS. | 94-CLA-73 |
| TACOMA DODGE, INC., | | 94-CLA-80 |
| BOWEN SCARFF FORD SALES, INC., d/b/a | | |
| BOWEN SCARFF FORD/VOLVO, | | 94-CLA-83 |
| BNS ENTERPRISES, INC., d/b/a ACURA OF BELLEVUE, | | 94-CLA-88 |
| NORTH SEATTLE CHRYSLER PLYMOUTH, INC., | | 94-CLA-91 |
| TOTEM HILL PONTIAC GMC TRUCK, INC., | | 94-CLA-93 |

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| WINNER LINCOLN-MERCURY, INC., | 94-CLA-95 |
| ART GAMBLIN MOTORS, INC., | 94-CLA-97 |
| BELLINGHAM CHRYSLER CENTER, INC., | 94-CLA-98 |
| GOOD CHEVROLET, INC., | 94-CLA-99 |
| CAPITOL MANAGEMENT & INVESTMENT CO., d/b/a | |
| CAPITOL COACHMAN, | 94-CLA-100 |
| EVERGREEN SPORTSCARS, INC., d/b/a EVERETT MAZDA, | 94-CLA-101 |
| BREWER CHRYSLER PLYMOUTH, INC., | 94-CLA-103 |
| JIM FUGATE FORD, INC., d/b/a FUGATE FORD-MERCURY-MAZDA, | 94-CLA-107 |
| EVERED MOTORS, INC., d/b/a BELLEVUE LINCOLN, MERCURY, | 94-CLA-108 |
| JACKL INC., d/b/a HONDA OF KIRKLAND, | 94-CLA-110 |
| PRESTIGE FORD, | 94-CLA-111 |
| THOMASON AUTO GROUP NORTH, INC., d/b/a THOMASON | |
| FORD/TOYOTA OF KIRKLAND, | 94-CLA-112 |
| PIONEER FORD, INC., | 95-CLA-2 |
| GREY CHEVROLET, INC., | 95-CLA-3 |
| SOUND FORD, INC., | 96-CLA-7 |
| S & K MOTORS, INC., | 96-CLA-8 |
| SEVEN MOTORS CORPORATION, | 96-CLA-9 |

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

REMAND ORDER

This case is pending before us pursuant to the civil money penalty provision of the Fair Labor Standards Act. 29 U.S.C. §216(e) (1994 & Supp. II 1996) (FLSA). The case involves allegations that Respondents violated the oppressive child labor provisions of the FLSA when they employed workers between the ages of 16 and 18 in jobs which sometimes involved driving cars on public streets. *See* 29 U.S.C. §§203, 212 and 216 (1994 & Supp. II 1996); 29 C.F.R. §570.52 (1998).

On October 31, 1998, the FLSA was amended by the Drive for Teen Employment Act, Pub. L. 105-334, 112 Stat. 3137. The Acting Administrator, Wage and Hour Division, has moved to remand this case to the Administrative Law Judge for further proceedings consistent with that amendment, a portion of which explicitly was made retroactive to pending cases and which therefore may be applicable to the facts in this case.

For good cause shown, this case is remanded to the Administrative Law Judge for further proceedings consistent with the Drive for Teen Employment Act.

SO ORDERED.

PAUL GREENBERG

Chair

CYNTHIA L. ATTWOOD

Member